

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

June 30, 2014

AGENDA

BOARD OF SELECTMEN

MONDAY, JUNE 30, 2014

6:30 p.m. - Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MINUTES

Approval of the following:

Monday, June 16, 2014 – Regular Session

APPOINTMENTS & HEARINGS

- 6:30 Public Comment
- 6:40 Catherine Laurent – Recommendation for Transfer Station Contract Award
- 6:45 EOC: Final Draft of Mashpee Nitrogen Control Bylaw Presentation

COMMUNICATIONS & CORRESPONDENCE

- Letter to the Editor of *Mashpee Enterprise* re: Aquaculture Grant

OLD BUSINESS

NEW BUSINESS

- Commons Convenience – Change of Manager
- Chamber of Commerce – Request for One-Day Liquor License:
- La Tavola Italian Feast Under the Stars – August 8, 2014
- Mashpee Pirate Palooza – Request for One-Day Liquor License/July 12, 2014
- Discussion – Affordable Housing Working Group

ADDITIONAL TOPICS

(This space is reserve for topics that the Chairman did not reasonably anticipate would be discussed.)

LIAISON REPORTS

EXECUTIVE SESSION

Board of Selectmen
Minutes
June 30, 2014

Present: Selectman Taylor, Selectman Richardson, Selectman Sherman,
Selectman Cahalane, Selectman Gottlieb
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Taylor at 6:30 p.m.
Town Hall, Conference Room #1

MINUTES:

Monday, June 16, 2014 – Regular Session:

Motion made by Selectman Cahalane to approve the Regular Session minutes of Monday, June 16, 2014 as presented.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 4-0-1.

Roll Call Vote:

Selectman Taylor, abstained	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment:

Marie Stone, Tribal Council Secretary indicated that a letter was submitted to the Town from Cedric Cromwell, Chair of the Mashpee Wampanoag Tribal Council recommending her appointment as liaison to the Affordable Housing Committee.

Board of Selectmen
Minutes
June 30, 2014

COMMUNICATIONS & CORRESPONDENCE:

Letter to the Editor of *Mashpee Enterprise* re: Aquaculture Grant:

Motion made by Selectman Cahalane to place the above topic on the Selectmen's agenda.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

After receiving a letter from individuals owning property in the vicinity of the proposed Richard Cook Aquaculture Grant, the Board obtained input from Town Counsel, and agreed to respond to the allegations by submitting a Letter to the Editor of the *Mashpee Enterprise*. (Enclosure attached to official Town Clerk's copy of minutes)

Motion made by Selectman Cahalane to submit the Letter to the Editor of the *Mashpee Enterprise* as drafted by Town Counsel and dated June 26, 2014.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Board of Selectmen
Minutes
June 30, 2014

OLD BUSINESS:

CPC Re-appointment – Housing Authority Representative:

Correspondence was received from Town Counsel dated June 18, 2014 relative to the Board's previous action to withhold the reappointment of the Mashpee Housing Authority representative to the Community Preservation Committee.

In accordance with the provisions of MGL, Chapter 44B, §5, and Mashpee General Bylaw, Article XIV, §3-50, the Community Preservation Committee shall include one member of the Mashpee Housing Authority *as designated by the Authority*. The Bylaw further provides that vacancies occurring in the Committee shall be filled in the same manner of the original designation or appointment.

Therefore, it is clear the Housing Authority has the legal authority to appoint its designee to the Community Preservation Committee.

The (4) At-Large appointees to the CPC are to be appointed by the Selectmen.

A brief discussion followed. Since the inception of the CPC, the Board of Selectmen has made appointments to the committee.

As a result of Town Counsel's ruling that the Selectmen do not have the appointing authority, the (5) appointees of the CPC made by their respective boards and committees would be removed from the annual appointment list with the exception of the (4) at-large CPC members.

Motion made by Selectman Cahalane to not vote on this subject as the Selectmen do not have the appointing authority over this matter.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Board of Selectmen

Minutes

June 30, 2014

NEW BUSINESS:

Commons Convenience – Change of Manager:

Paul Tardif, counsel for Commons Convenience, Inc. 414 Nathan Ellis Highway, Mashpee was before the Board to request approval for a Change of Manager from Sheraz Chaudhry to Ghulam Rasool.

It was disclosed the store sells gasoline, on premise wine and malt beverages, convenience items and a full-service deli. Commons Convenience is located within the Shell Gas Station on Route 151 a/k/a Nathan Ellis Highway. Mr. Rasool was noted to have received Beverage Alcohol Training and tenure in managerial experience meeting the criteria for this position.

Motion made by Selectman Gottlieb to approve the Change of Manager of Commons Convenience to Ghulam Rasool as requested.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Chamber of Commerce – Request for One-Day Liquor License for:

La Tavola Italian Feast Under the Stars – August 8, 2014:

Mashpee Pirate Palooza – July 12, 2014:

Mashpee Chamber of Commerce representative Mary Lou Palumbo was in attendance to request the Board approve the application of the Chamber for a One-Day Liquor License on Friday, August 8, 2014 for the annual La Tavola. The event is scheduled to be held “under the stars” from 5:00 p.m. to 8:30 p.m. at 17 Joy Street, Mashpee. In the event of rain, The Christ the King Parish Hall located at 5 Job’s Fishing Road is alternate site location.

In addition to the La Tavola, Ms. Palumbo requested the Selectmen support the application for a One-Day Liquor License for the annual Pirate Palooza Ball on Saturday, July 12, 2014 from 7:00 p.m. to 10:00 p.m. under a tent on South Street, South Cape Village, Mashpee. Proceeds from this event will benefit the Mashpee Pop Warner, Children’s Museum, Kiwanis, Boys & Girls Club and the Mashpee Chamber of Commerce.

Board of Selectmen
Minutes
June 30, 2014

NEW BUSINESS:

Chamber of Commerce – Request for One-Day Liquor License for:
La Tavola Italian Feast Under the Stars – August 8, 2014:
Mashpee Pirate Palooza – July 12, 2014: (continued)

Motion made by Selectman Richardson to approve the request of the Mashpee Chamber of Commerce for a One-Day Liquor License, Wine & Malt on August 8, 2014 and July 12, 2014 as referenced.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Catherine Laurent – Recommendation from Transfer Station Contract Award:

Catherine Laurent, Director of Public Works discussed her memorandum of June 24, 2014 recommending the Board accept the proposed terms of Gotta Do Contracting LLC for the operation of the Transfer Station for the lump sum of \$415,160 for the daily operation and hauling of trash.

The operation will be the same 5 day schedule, and includes all staffing and equipment. The hauling of trash is based on 3500 tons per year. There is no minimum trailer weight. However, if the trash collected exceeds 3500 tons, the Town would pay for hauling the additional tonnage on a per trip basis with a minimum trailer weight of 15 tons.

During the first six months, the trash will be hauled to the Upper Cape Regional Transfer Station, after which, the facility is expected to close. For the remainder of the year the trash would be hauled to New Bedford Waste Services in Rochester. If the Town were to implement the Pay-As-You Throw or SMART program, the contract would be reviewed as there would be a reduction in transportation costs.

Board of Selectmen
Minutes
June 30, 2014

APPOINTMENTS & HEARINGS:

Catherine Laurent – Recommendation from Transfer Station Contract Award:
(continued)

Motion made by Selectman Richardson to approve the recommendation of the DPW Director and award a contract with Gotta Do Contracting LLC in the amount of \$415,160 for the daily operation of the Transfer Station and hauling of trash for FY15.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

EOC – Final Draft of Mashpee Nitrogen Control Bylaw Presentation:

Environmental Oversight Committee members George Peterson and Michael Talbot were in attendance to recommend the Board consider the final draft regarding the Nitrogen Control Bylaw for the October 2014 Town Meeting.

Mr. Peterson explained the proposed bylaw would provide significant environmental and financial benefits to the Town of Mashpee. The document as it is presently drafted mirrors the bylaw adopted by the Town of Falmouth to regulate all applications of nitrogen through fertilizer on managed turf areas. Of importance is the protection and prevention of excess nitrogen from entering Mashpee's valuable estuaries and waterways.

It is projected the Nitrogen Control Bylaw would reduce the amount of nitrogen from lawn fertilizer by 50% and defray approximately \$40 million in costs anticipated for sewerage and other wastewater treatment expenses.

Selectman Cahalane, a member of the EOC indicated that he is pleased with the bylaw document. It is a step forward to reduce the Total Maximum Daily Load (TMDL) of nitrogen imposed by the Clean Water Act.

Selectman Gottlieb was in agreement, and indicated the bylaw document is absolutely valuable to the Town of Mashpee and to any town that is going before town meeting for a capital outlays for wastewater expenditures.

Board of Selectmen
Minutes
June 30, 2014

APPOINTMENTS & HEARINGS:

EOC – Final Draft of Mashpee Nitrogen Control Bylaw Presentation:
(continued)

Selectman Gottlieb recommended the Board approve the Nitrogen Control Bylaw for Mashpee in concept, requesting Town Counsel review the document to conform to the Town of Mashpee bylaw and legal terminology.

In addition to conforming to the Town's bylaw, it was suggested the document be modified and specific regarding enforcement actions, agents designated for enforcement, and fines for violation. Several points were made regarding the terminology of the draft as well as approaches to publish, inform and educate the public regarding this initiative.

Motion made by Selectman Gottlieb to endorse the concepts provided in the Mashpee Nitrogen Control Bylaw document, obtaining recommendations from Town Counsel regarding appropriate language related to enforcement, and work with Town Counsel for presentation at the October Town Meeting.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

NEW BUSINESS:

Discussion – Affordable Housing Working Group:

Joyce Mason, Town Manager recommended the Board form a working group comprised of two members of the Board of Selectmen, two members of the Affordable Housing Committee and a representative from the Mashpee Housing Authority to review the possibility of developing an affordable housing project at two separate locations.

Last year, the Town retained the firm of Horsley & Witten to conduct a feasibility study at 209 Old Barnstable Road, a 3.8 acre site owned by the Town of Mashpee. Based on site conditions, two schematic designs were presented for 24-two bedroom affordable housing units with associated parking, on-site wastewater treatment systems and utilities.

Board of Selectmen

Minutes

June 30, 2014

NEW BUSINESS:

Discussion – Affordable Housing Working Group: (continued)

To reduce impacts at the 209 Old Barnstable Road site and to attract a developer to create affordable housing units, it was recommended the Board consider combining the Old Barnstable Road project with the 950 Falmouth Road site; 3.26 acres of Town-owned land. It was noted the Mashpee Housing Authority has an interest in the site and recently conducted a feasibility study for affordable housing. The 950 Falmouth Road site was also previously recommended for affordable housing by the Affordable Housing Committee.

Berkeley Johnson, a member of the Affordable Housing Committee indicated that with projects under 50 units it is difficult to locate a developer to build and finance a project such as this. It was noted the Town has achieved similar success with the elderly housing project located at Homeyer Village using the same contractor with Breezy Acres now known as the Great Cove Community. The affordable housing projects are managed by the Mashpee Housing Authority.

Upon review, the Selectmen agreed to form a working group as recommended. Selectmen members offering to serve on the group include; Selectman Richardson who is the liaison to the Affordable Housing Committee, and Selectman Gottlieb.

LIAISON REPORTS:

Lake Management Committee: It was reported at Mashpee/Wakeby the gate hours are now staffed by the Recreation Department from 7:30 a.m. to 4:30 p.m., and overall activities on the water have improved for recreational boaters and families. At the Lowell Holly Reservation, there is a general consensus of the Trustees of Reservations that the implementation of a swim area has had a positive effect at the site location. Rangers are maintaining oversight and are continuing to educate the users of the facility.

The Lake Management Committee will meet after the 4th of July to review the ramp use, access, and financial matters regarding the additional staffing hours. The analysis will be reported to the Board of Selectmen.

As a reminder, the annual Community Picnic is scheduled to be held on July 1st at the Mashpee High School beginning at 5:30 p.m. Fireworks will be displayed at dusk at approximately 9:15 p.m.

Board of Selectmen

Minutes

June 30, 2014

LIAISON REPORTS:

Chief Collins spoke at the Senior Center last month as part of the Mashpee Cares initiative. The Gun Return Program is ongoing and will be publicized at Mashpee Commons with the assistance of the Chamber of Commerce.

Community Advisory Council: To conform to military standards, background checks are being conducted for members of the Community Advisory Council at Joint Base Cape Cod.

Mashpee TV: The program *There's Something About Mashpee* will be released and televised soon.

The Environmental Oversight Committee presented their final draft of the Mashpee Nitrogen Control Bylaw dated June 11, 2014 to the full Board of Selectmen on this date.

The Community Calendar is available for review on the Town's website for public access. Events can easily be scheduled by non-profit organizations.

Ruth Provost, Executive Director of the Boys & Girls Club is hosting a forum this Wednesday on *Keeping Children Safe*. The event will be held at the Mashpee Town Hall at 8:30 a.m.

Adjournment:

Motion made by Selectman Sherman to adjourn at 7:15 p.m.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen